

**EXHIBIT A**  
**TO**  
**DECLARATION OF TIMOTHY J. HALLER**  
**IN SUPPORT OF DODOCASE'S**  
**OPPOSITION TO DEFENDANTS' MOTION**  
**FOR EXTENSION**

## Sandy Satterfield

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**From:** Kyle Fleming <kfleming@rennerotto.com>  
**Sent:** Friday, December 22, 2017 2:49 PM  
**To:** Timothy Haller  
**Cc:** Gabriel Opatken; Sandy Satterfield; Mark Johnson  
**Subject:** Re: DODOcase VR, Inc. v. MerchSource, LLC, et al.  
**Attachments:** image001.png; image002.jpg; image003.png

Dear Tim-

We appreciate the response, but we are going to go ahead and move the Court for an extension on the answer date until February 2, 2018. I've noted your position in the motion.

Best holiday wishes to you and your family.

Kyle

[id:image001.png@01D34727.10E64760]

Kyle B. Fleming | Partner  
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From: Timothy Haller <haller@haller-iplaw.com>  
Date: Friday, 22December, 2017 at 15:16  
To: Mark Johnson <mjohnson@rennerotto.com>  
Cc: Gabriel Opatken <gabriel@nobleipllc.com>, Kyle Fleming <kfleming@rennerotto.com>, Sandy Satterfield <satterfield@haller-iplaw.com>  
Subject: RE: DODOcase VR, Inc. v. MerchSource, LLC, et al.

Dear Mark,

We are certainly not in favor of unnecessary motion practice and we encourage efficiency for all concerned including the Court. MS has put a cloud over DC and the passage of time is a detriment to DC. We are open to a prompt resolution which could benefit both sides and have correspondingly floated concrete approaches for resolution. But in terms of making progress, nothing has been received from MS - which has known of the issues giving rise to this dispute for several months. Notably, your claim that no one from MS will be available until the 2nd week of January is surprising.

Regarding your requested extension, our previous position as set forth in my earlier email stands – and your asserted justifications do not establish “good cause” in our opinion. We will set forth that position in detail if necessary on any opposition to a request for extension.

That said, and in the spirit of compromise, we will agree to extend to January 16, 2018. If MS provides a concrete resolution proposal before then, we can explore additional extension(s) based on the progress being made at that time. I am available to discuss—including next week if needed. BTW—I work mostly out of my FL office during the winter—just so you know re time zone. Lastly----best to you and your family for the holidays.

Regards,

Tim

Timothy J. Haller  
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From: Mark Johnson [mailto:mjohnson@rennerotto.com]  
Sent: Thursday, December 21, 2017 6:07 PM  
To: Timothy Haller <haller@haller-iplaw.com>  
Cc: Gabriel Opatken <gabriel@nobleipllc.com>; Kyle Fleming <kfleming@rennerotto.com>; Sandy Satterfield <satterfield@haller-iplaw.com>  
Subject: RE: DODOcase VR, Inc. v. MerchSource, LLC, et al.

Dear Tim,

DODOcase filed a return of service indicating that defendants were served on December 14. I am disappointed that DODOcase is unwilling to stipulate to more than an 8-day extension of time. It appears that DODOcase is attempting to leverage the holiday season to apply pressure on defendants. Such tactics are not consistent with a desire to amicably resolve this dispute.

You note in your correspondence that I have not identified “good cause.” It is the holiday season and I will be mostly out of the office until next year, and individuals at MerchSource will be unavailable until the second week of January. Moreover, as you know, I am located in Cleveland, Ohio and MerchSource is in the Central District of California. These facts should satisfy DODOcase’s concerns regarding good cause. In any event, there would be no prejudice to DODOcase, irrespective of your claim that “time is important to DC.” The case schedule will not require modification even by a single day as a result of the requested extension. MerchSource requests that DODOcase reconsider.

If it helps the parties avoid unnecessary motion practice, MerchSource would be willing to compromise and stipulate to an extension until January 26.

Regards,  
Mark

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vCard<<http://www.rennerotto.com/sites/default/files/Mark-C-Johnson.vcf>>

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From: Timothy Haller [mailto:[haller@haller-iplaw.com](mailto:haller@haller-iplaw.com)]  
Sent: Thursday, December 21, 2017 5:01 PM  
To: Mark Johnson <[mjohnson@rennerotto.com](mailto:mjohnson@rennerotto.com)<<mailto:mjohnson@rennerotto.com>>>  
Cc: Gabriel Opatken <[gabriel@nobleipllc.com](mailto:gabriel@nobleipllc.com)<<mailto:gabriel@nobleipllc.com>>>; Kyle Fleming  
<[kfleming@rennerotto.com](mailto:kfleming@rennerotto.com)<<mailto:kfleming@rennerotto.com>>>; Sandy Satterfield <[satterfield@haller-iplaw.com](mailto:satterfield@haller-iplaw.com)<<mailto:satterfield@haller-iplaw.com>>>  
Subject: RE: DODOcase VR, Inc. v. MerchSource, LLC, et al.

Dear Mark,

We are sensitive to the approaching holidays, which comprise two officially-closed business days, and the potential for travel; accordingly, we are willing to agree to an extension to Jan 12 without any conditions. Notably, FRCP 6 requires “good cause” for any extension and, at least based on what we’ve heard from you so far, there is no good cause (especially for 30 days, which is more than the original time period).

I also want to note that we have still yet to see the alleged prior art that MS used to create this unfortunate situation. Again, MS has created a cloud over DC’s patent rights and time is therefore important to DC.

With that said, my letter earlier today set out approaches to resolve this matter. If MS can show that progress can be had on reaching a resolution, we of course would be receptive to further extension beyond Jan 12. However, your email is silent on that front. While DC is willing to engage in further dialogue, we do not believe such further discussions between DC and Mr. Gromfin are appropriate until we receive a concrete proposal. Again, we can be responsive over the holidays so that time does not slip away.

Please let me hear back.

Regards, Tim

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From: Mark Johnson [mailto:mjohnson@rennerotto.com]

Sent: Thursday, December 21, 2017 3:42 PM

To: Timothy Haller <haller@haller-iplaw.com<mailto:haller@haller-iplaw.com>>

Cc: Gabriel Opatken <gabriel@nobleipllc.com<mailto:gabriel@nobleipllc.com>>; Kyle Fleming <kfleming@rennerotto.com<mailto:kfleming@rennerotto.com>>; Sandy Satterfield <satterfield@haller-iplaw.com<mailto:satterfield@haller-iplaw.com>>

Subject: RE: DODOcase VR, Inc. v. MerchSource, LLC, et al.

Dear Tim,

I received your letter in response to MerchSource's request for an extension of time. MerchSource intends to seek a 30 day extension of time to respond to the complaint regardless of the status of settlement negotiations. This should not come as a surprise given the holiday season. Please let me know today whether DODOcase will oppose a motion by MerchSource for a 30 day extension of time so that DODOcase's position is accurately stated in the motion papers.

Regards,

Mark

[ennerOtto\_ColorIcon\_RGB]<http://www.rennerotto.com/>

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From: Sandy Satterfield [mailto:satterfield@haller-iplaw.com]

Sent: Thursday, December 21, 2017 11:28 AM

To: Mark Johnson <mjohnson@rennerotto.com<mailto:mjohnson@rennerotto.com>>

Cc: Timothy Haller <haller@haller-iplaw.com<mailto:haller@haller-iplaw.com>>; Gabriel Opatken <gabriel@nobleipllc.com<mailto:gabriel@nobleipllc.com>>

Subject: DODOcase VR, Inc. v. MerchSource, LLC, et al.

Dear Mr. Johnson:

Please see attached letter.

Regards, Sandy

Sandy L. Satterfield  
Assistant to Timothy J. Haller  
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